.....L.....T.....T.....T.....T.....T.....T...J

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

WRIT PETITION NO.2450 OF 2005

(ORDINARY ORIGINAL CIVIL JURISDICTION)

Indian Hotel & Restaurants)
Association (AHAR), an)
Association duly registered)
under the provisions of)
the Trade Unions Act,bearing)
No.BB-11-7920, having its)
office at B-2, Wadala Shri Ram)
Industrial Estate, Ground)
Floor, G.D. Ambedkar Road,)
Near Wadala Telephone Exchange)
Wadala, Mumbai-400 031.)
2.Jagdish V. Shetty, General)
Secretary ofIndian Hotel &)
Restaurants) Association)
(AHAR), an) Association duly)
registered under the provisions)
of the Trade Unions Act,)
bearing No.BY-11-7920, having)
its office) at B-2, Wadala)
Shri Ram Industrial Estate,)
Ground Floor, G.D. Ambedkar)
Road, Near Wadala Telephone)
Exchange, Wadala,Mumbai-400 031)..PETITIONERS

Versus

1.The State of Maharashtra)
through the Hon'ble Minister,)
Home Affairs, Home Department,)
Mantralaya, Mumbai-400 032.)
2.The Commissioner of Police,)
having his office at Opp.Crawford)
Market, Mumbai-1.)..RESPONDENTS

WITH

WRIT PETITION LODGING NO.2052 OF 2005

(ORDINARY ORIGINAL CIVIL JURISDICTION)

Bharatiya Bargirls Union,)
a Registered Trade Union,)
through its Honorary President)
Varsha Kale, having its office)
at D-3, 303, Pancharatna)
Soc., Anand Nagar, Panduranga)
Wadi, Manpada Road, Dombivili)
(East)0421 201.)..PETITIONER

Versus

1.The State of Maharashtra)
through the Hon'ble Minister,)
Home Affairs, Home Department,)
Mantralaya, Mumbai-400 032.)

2.The Commissioner of Police,)
having his office at Opp.Crawford)
Mumbai-1.)..RESPONDENTS

WITH

WRIT PETITION LODGING NO.2338 OF 2005
(ORDINARY ORIGINAL CIVIL JURISDICTION)

1.Forum Against Oppression of)
Women, 29, Bhatia Building,)
Babrekar Marg, Off. Gokhale)
Road (North), Dadar (West),)
Mumbai-400 028.)
2.Aawaz E Niswan, having their)
office at Jain High School,)
84, Hazrat Abbas Galli, Dongri,)
Mumbai.)
3.Women's Centre having their)
office at 104B, Sunrise Apts.,)
Nehru Rd., Vakola, Santacruz)
(E), Mumbai-400 055.)
4.Akshara, having its office at)
Neelambari 501, Road No.86,)
Gokhale Road, Dadar West,)
Mumbai-400 028.)
5.Womens Action and Research)
Group, 101, Zaithunvilla, Behind)
Air View Building, Near Vakola)
Market, Santacruz (E),Mumbai.)
6.India Centre for Human Rights)
& Law, having its office at)
Jain Schoo, 84, Hazrat Abbas)
Galli, Dongri, Mumbai.)..PETITIONERS

Versus

1.State of Maharashtra)
through the Hon'ble Minister,)
Home Affairs, Home Department,)
Mantralaya, Mumbai-400 032.)
2.The Commissioner of Police,)
having his office at Crawford)
Mumbai-1.)..RESPONDENTS

WITH
WRIT PETITION NO.2587 OF 2005
(ORDINARY ORIGINAL CIVIL JURISDICTION)

1.The Sanmitra Trust,)
Malvani Project, A registered)
Trust having its office)
Karimi Park, Shalimar Apartments)
3/B, 17, Oshiwara Garden Lane,)
Jogeshwari (W)-400 102.)
2.Ekta Self Help Group,)
an unregistered Association)
of Women Bar Dancers through)
their Chairperson having its)
address at, Karimi Part,)
Shalimar Apartments, 3/B, 17)
Oshiwara Garden Lane,)
Jogeshwari (W), Mumbai-400 102.)..PETITIONERS

Versus

1.State of Maharashtra)
through the Hon'ble Minister,)
Home Affairs, Home Department,)
Mantralaya, Mumbai-400 032.)
2.The Commissioner of Police,)
having his office at Crawford)
Mumbai-1.)
3.Maharashtra State AIDS Control)
Society)
4.Mumbai District AIDS Control)
Society, both Respondent Nos.3 &)
4 have their office at Acworth)
Complex, R.A.Kidwai Marg,)
Wadala,(W), Mumbai-400 031.)
5.National AIDS Control)
Organisation, 9th Floor,)
Chandralok Building, 36, Janpath)
New Delhi-1100 001.)..RESPONDENTS

WITH
WRIT PETITION NO.5503 OF 2005

Ramnath Vishnu Waringe,)
of Pune,Aged 39 years,Proprietor)
of M/s.Hotel Gurudev (Lovebird))
at Kamhe Phata, Vadgaon, Maval,)
Pune.)..PETITIONER

Versus

1.The State of Maharashtara,)
through the Hon'ble Minister,)
Home Department, Mantralaya,)
Mumbai-400 032.)
2.The Sub-Divisional Magistrate,)
Maval Sub Division, Pune-1.)..RESPONDENTS
3.The District Collector of)
Pune, Pune.)

WITH
WRIT PETITION NO.5504 OF 2005

Ajit Chandrakant Satkar)
of Pune,Aged 29 years,Proprietor)
of M/s.Ajit Motels & Resorts)
Private Limited at Post Kanhe ,)
Taluka Maval, Dist. Pune.)..PETITIONER

Versus

1.The State of Maharashtara,)
through the Hon'ble Minister,)
Home Department, Mantralaya,)
Mumbai-400 032.)
2.The Sub-Divisional Magistrate,)
Maval Sub Division, Pune-1.)..RESPONDENTS
3.The District Collector of)
Pune, Pune.)

WITH
CRIMINAL WRIT PETITION NO.1971 OF 2005
(APPELLATE SIDE)

Fight for Rights Bar Owners)
Association c/o.Karishma)
Restaurant and Bar (Through)
its President Shri Manjeetsingh)
s/o.Moolsingh Sethi, aged 57)
years, Occ. Business, R/o.C/o.)
Karishma Restaurant & Bar,)
Naiagon Gross Road, Dadar (East))
Mumbai-400 014.)..PETITIONER

Versus

1. The Union of India through)
its Ministry,Home Department,)
New Delhi.)
2.The State of Maharashtra,)
(Through its Principal Secretary)
Home Department, Mantralaya,)
Mumbai-32.)
3.The Advocate General of)
Maharashtra, High Court Building)
Annexe, Mumbai.)
4.Shri R.R. Patil, Deputy)
Chief Minister and Home Minister)
of Maharashtra, Mantralaya,)
Mumbai-32.)
5.Shri Vilas Satam, Age 32 years)
Occ. Business Vice President,)
NCP Kurla Unit, Kurla Dist.Thane)
At presently residing at)
Kurla(West), Mumbai-400 070)
6.Shri Paresh C.Patil @ Majugale)
Aged 45 years, Occ. Interior)
Decorator, C/o. NCP Head Office)
Opp. to Mantralaya, Mumbai-32.)
At present residing at 5th Floor)
Near Sarva Mangal Maryalaya,)
Gangapur Road, Nashik.)..RESPONDENTS
7.Central Bureau of)
Investigation (Through its)
Director) New Delhi.)
8.The Commissioner of Police,)
Mumbai.)

WITH
WRIT PETITION NO.6930 OF 2005
(NAGPUR BENCH)

Smt.Chhayadevi w/o.Suresh)
Jaiswal, Aged about 60 years,)
Occ. Business, Proprietor of)
M/s.Golden Spoon Bar and)
Restaurant, Abhayankar Road,)
Sitabuildi, Nagpur.)...PETITIONER

Versus

1.State of Maharashtra through)

a) Chief Secretary,)
b) Home Secretary,)
Mantralaya, Mumbai.)
2.Commissioner of Police, Nagpur)..RESPONDENTS

WITH
WRIT PETITION NO.6931 OF 2005
(NAGPUR BENCH)

Manoj S/o.Jainarayan Sharma,)
Aged about 36 years,)
Occ. Business, Partner of)
M/s.Lahoree Delux Bar and)
Restaurant, West High Court,)
Dharampeth, Nagpur.)..PETITIONER

Versus

1.State of Maharashtra through)
a) Chief Secretary,)
b) Home Secretary,)
Mantralaya, Mumbai.)
2.Commissioner of Police,)
Nagpur)..RESPONDENTS

CORAM : F.I. REBELLO &
MRS ROSHAN DALVI,JJ.
DATED : APRIL 12, 2006

P.C.

. At this stage, on behalf of the State, the learned Advocate General prays that certificate be granted for leave to appeal to the Supreme Court. We have merely applied the law declared by the Apex Court to the facts of the cases. In our opinion, there is no question of general public importance, which needs to be declared.

. The learned Advocate General also prays that the order be not given effect to. The licences have already expired and in these circumstances, neither the bar owners nor the dancers can perform in the place of public entertainment without renewal of the performance licences for dances.

. However, considering the fact that for the last several months, the establishments were not having dances, in the event, the bar owners apply for renewal or fresh application for performance licence for dance performance in the establishment which were earlier prohibited, it will be open to the respondent state and the authorities not to act upon them for a period of eight weeks from today.

(F.I. REBELLO,J.)

(MRS. ROSHAN DALVI,J.)